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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/519,889 | 03/06/2000 | Rhonda S. Redman | R597.12-003 | 8569 |

164 7590 12/01/2001

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EXAMINER

FALIK, ANDREW M

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3765

DATE MAILED: 12/01/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.
09/519,889

Applicant(s)
Redman et al

Examiner
Andy Falik

Group Art Unit
3765



All participants (applicant, applicant's representative, PTO personnel):

(1) Andy Falik

(3) _____

(2) Z. Peter Sawicki (applicants' Rep)

(4) _____

Date of Interview Nov 8, 2001

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal (copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: 1 and 5

Identification of prior art discussed:

US 4,967,419 and 2,904,792

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

See Attached Sheets. Also, applicants' rep will Fax a Supplemental Amendment including the claim changes discussed in the attached sheets. Included therewith should be A Withdrawal Of Appeal and a Supplemental Oath directed to the claim amendments. Additionally, if not already sent a written consent to the filing by all of the assignees if the reissue application has been assigned, along with the original patent, and a drawing transfer request are needed before the application can be allowed.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Art Unit: 3765

Attached Sheets

The two limitations added to claim 1 during the prosecution of the Patent Application 08/968,977 and not included in the claim 1 in the reissue application 09/519,889 are found on lines 11-15 and 17-20 respectively:

(1)-- the sleeve extends past the set of joints of the metacarpals and the phalanges to a point adjacent a first set of joints of the phalanges which are adjacent to the set of joints of the metacarpals and the phalanges of the wear's fingers leaving the joints of the phalanges exposed--;
and (2) --wherein the sleeve extends beyond the joint of the phalanges and the first metacarpal and is adjacent to the joint of the phalanges leaving the joint exposed--.

It was the Examiner's position during the prosecution of the Reissue Application that re (1) the first set of joints could be interpreted as the joints or knuckles between the top of the hand and the beginning of the fingers since the sleeve 12 is shown in Fig. 1 in '435 extending past the knuckles furthest from he finger tips.

Upon further review of the principal references 4,967,419 and 2,904,792 used in the art rejections of the Patent claim 1 it was realized that the first limitation in light of the Examiner's interpretation thereof was clearly shown by both of these references. Accordingly, it is now the Examiner's position that the Recapture Rule isn't applicable to the deletion of the limitation (1) to the reissue claim 1 given that this limitation isn't critical to distinguishing the claim from the '419 and '792 references and accordingly it isn't germane to the art rejection of the patent claim 1.

Art Unit: 3765

However, this isn't the case for the (2) limitation since it isn't taught by the '419 and '719 references nor is there motivation in any of the remaining references of record in the Patent application to combine this feature with the '419 and '719 references.

Thus, in order to obviate the outstanding Recapture Rule rejection to the Reissue claim 1 it was agreed to include an amended version the Reissue claim 5 therein which essentially embraces the spirit of the (2) limitation into the Reissue claim 1. Specifically, on line 8 in twice amended claim 1 after "sleeve" insert --, wherein the sleeve extends to the joint of the thumb closest to the fingertips leaving the joint exposed--.



**ANDY FALIK
PRIMARY EXAMINER
GROUP 3765**

AMF
November 8, 2001

 *** TX REPORT ***

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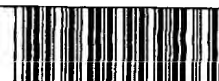
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ATT.
 Z-Peter
 SAWICKI

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